

In re Patent Application of:  
OLOFSSON ET AL.  
Serial No. 09/582,637  
Filed: October 20, 2000

---

The present invention, as recited, for example, in independent Claim 34, is directed to an active POTS splitter comprising active splitter circuitry for connecting to a subscriber line to separate analog POTS signals from xDSL signals, and line test circuitry associated with the active splitter circuitry for transmitting a test signal on the line based upon at least one of an event and receipt of a test request signal. In addition, the claim recites that the line test circuitry has associated therewith a unique identity code transmitted with the test signal. Independent Claim 46 is directed to a method including use of such features in measuring quality parameters relating to xDSL transmission on a subscriber line. Independent Claim 63 is directed to a telecommunications system also including such features.

In rejecting independent Claims 34, 46, and 63, the Examiner asserts the Scholtz et al. patent teaches most of the claimed subject matter. The Examiner correctly notes, however, that the Scholtz et al. patent fails to teach using a unique identity code as in the claimed invention.

While correctly recognizing that the Scholtz et al. patent does not teach or suggest using a unique identity code, the Examiner asserts, without reference to any particular prior art reference, that it is "notoriously well known" in the art to use identification codes including "ANI or CLI" to identify a subscriber loop.

The Scholtz et al. patent is expressly directed to a handset and POTS filter for testing transmission quality of a local loop. (Col. 2, Lines 58-60; Col. 4-Col. 5, Lines 61-2.) But the handset and POTS filter of the Scholtz et al. patent

In re Patent Application of:  
**OLOFSSON ET AL.**  
Serial No. 09/582,637  
Filed: October 20, 2000

---

are explicitly directed to testing at a subscriber's premises, for example, at the junction box located at the subscriber's home or office. (Col. 2, Lines 60-66; Col. 5, Lines 5-17.)

In other words, the purpose of the Scholtz et al. patent is to allow manual on-premise testing by a field technician, and, accordingly, there is no need for a unique identity code to be transmitted with the test signal. A capability for using a unique code in identifying the test handset is irrelevant to the Scholtz et al. patent. Accordingly, there is no suggestion or motivation for the selective combination of the use of automatic number identification with the Scholtz et al. patent. Moreover, even such a selective combination fails to produce the claimed invention.

The Examiner also relies on a selective combination of the Scholtz et al. patent with the Lechleider et al. patent in rejecting independent Claims 34, 46 and 63. The Examiner describes the Lechleider et al. patent as teaching generation of a test signal and identification of a subscriber loop through caller ID or ANI information. The Lechleider et al. patent discloses a logic device that places a telephone call, via a modem at a subscriber's premises, to a distant modem at a qualification center. The initial negotiation between the two modems produces information that is used to determine operating conditions that, in turn, are used to determine the viability of deploying ADSL over the subscriber line. The information derived from the modems is described as analog properties, such as power levels, noise levels, loss levels and far-end echo loss.

In re Patent Application of:  
**OLOFSSON ET AL.**  
Serial No. 09/582,637  
Filed: October 20, 2000

---

Nowhere, however, does the Lechleider et al. patent teach or suggest that the logic device and modem are combined with, or part of, an active POTS splitter. The Scholtz et al. patent, as noted already, is directed to a handset that can be taken by a technician to a subscriber's premises to perform on-premise testing. By contrast, the Lechleider et al. patent relies on a logic device such as the subscriber's own personal computer, a Settop Box, a Web TV, or any other device already at the subscriber's premises. The logic device communicates via a modem to a service provider at a remote central location so that a determination can be made at the central location as to whether the subscriber loop can support copper-based broadband technology. Accordingly, there is no motivation for selectively combining the two patents, and indeed, each teaches away from the other.

Applicants respectfully submit, therefore, that the selective combination of Scholtz et al. and other art relied on by the Examiner lacks a proper basis. Independent Claims 34, 46, and 63, accordingly, are each patentable. In view of their patentability, Applicants submit that their dependent claims, which recite yet additional features of the present invention are also patentable. No further discussion of these claims is therefore necessary.

The Examiner further relies on the selective combination of the Scholtz et al. patent and the Lechleider et al. patent in rejecting independent Claim 49. Independent Claim 49 is directed to a method of measuring quality parameters relating to xDSL transmission on a subscriber line in a telecommunications system using xDSL and POTS and

In re Patent Application of:  
**OLOFSSON ET AL.**  
Serial No. 09/582,637  
Filed: October 20, 2000

---

comprising at least one central office connected to a plurality of subscribers by subscriber lines. The method includes using an active POTS splitter including line test circuitry to generate a test signal from a subscriber's premises based upon receipt of a test request signal and for transmitting a unique identity code based upon at least one of receipt of a test request signal and receipt of an identification request signal, performing measurements at the at least one central office on the test signal, and deriving quality parameters for the subscriber line from the measurements.

Applicants respectfully assert that the rejection of independent Claim 49 fails for the reasons given above and, therefore, independent Claim 49 is also patentable. The claims depending from independent Claim 49 add further features and are therefore likewise patentable. No further discussion of these claims is necessary.

#### CONCLUSION

In view of the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is

In re Patent Application of:  
OLOFSSON ET AL.  
Serial No. 09/582,637  
Filed: October 20, 2000

---

encouraged to contact the undersigned attorney at the  
telephone number listed below.

Respectfully submitted,



---

Christopher F. Regan

Reg. No. 34,906

Allen, Dyer, Doppelt, Milbrath  
& Gilchrist, P.A.

255 S. Orange Avenue, Suite 1401

Post Office Box 3791

Orlando, Florida 32802

407/841-2330

In re Patent Application of:  
OLOFSSON ET AL.  
Serial No. 09/582,637  
Filed: October 20, 2000

---

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 58 has been amended as follows:

58. (Amended) A method according to Claim [49] 46  
wherein the event comprises a predetermined schedule.

In re Patent Application of:  
OLOFSSON ET AL.  
Serial No. 09/582,637  
Filed: October 20, 2000

---

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: DIRECTOR, U.S. PATENT AND TRADEMARK OFFICE, WASHINGTON, D.C. 20231, on this 17<sup>th</sup> day of May, 2002.

